

**PALM BEACH COUNTY LIBRARY SYSTEM  
GOVERNMENT DOCUMENTS**

**ORDINANCE NO. 2009-019**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE PALM BEACH COUNTY CODE (ORDINANCE 98-22, AS AMENDED BY ORDINANCE NO. 2003-29, ORDINANCE 2005-44, AND ORDINANCE NO. 2008-004) PERTAINING TO ANIMAL CARE AND CONTROL; AMENDING SECTION 4-2 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 4-27 OF THE PALM BEACH COUNTY CODE (DANGEROUS DOGS AND VICIOUS DOGS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Palm Beach County Animal Care and Control Ordinance 98-22, as amended, currently regulates dangerous and vicious dogs in Palm Beach County; and

**WHEREAS,** the Board of County Commissioners finds that aggressive dogs are an increasingly serious and widespread threat to the people of Palm Beach County because of dog attacks that cause injury to people and their domestic animals; and

**WHEREAS,** attacks by dogs are often attributable to the failure of owners to properly confine, train, and control their dogs; and

**WHEREAS,** additional regulations are necessary to prevent dogs that have injured a person or domestic animal once from injuring other people or domestic animals; and

**WHEREAS,** the Board of County Commissioners finds that the current Animal Care and Control Ordinance is insufficient to address the problems caused by aggressive, dangerous and vicious dogs; and

**WHEREAS,** the Board of County Commissioners desires to amend the Animal Care and Control Ordinance to provide greater protection to the residents and visitors to Palm Beach County against dogs that are aggressive, dangerous, and vicious dogs.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**\* \* \***

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**Section 1. DEFINITIONS.** Section 2 of Ordinance 98-22, as amended, is amended as follows:

\* \* \*

*Dangerous dog* shall mean any dog that according to the records of the division, meets at least one of the following:

- (1) Has aggressively bitten, attacked, endangered or has inflicted ~~severe~~ injury on a human being on public or private property.
- (2) Has ~~more than once~~ severely injured or killed a domestic animal while off the owner's property.
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
- (4) Has, when unprovoked and while off the owner's property, chased or approached a person ~~upon the streets, sidewalks, or any public grounds~~ in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the division

\* \* \*

Domestic animal shall mean any dog, cat, horse, pony, mule, cow, goat, sheep, pig, chicken, goose, duck, or rabbit that is owned by a person or any animal defined in Section 585.01, Florida Statutes, that is owned by a person.

\* \* \*

Injury shall mean any physical injury that results in breaking the skin, a bite, or a laceration of the skin.

\* \* \*

Unprovoked shall mean carried out without cause or reason. For the purpose of this Ordinance, an act is *unprovoked* if not instigated by the victim, whether the victim is a person or domestic animal.

\* \* \*

**Section 2. DANGEROUS DOGS AND VICIOUS DOGS.** Section 27 of Ordinance 98-22, as amended, is amended as follows:

- (a) *Classification of dogs as dangerous.*

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1           (1) The division shall investigate reported incidents involving any dog that may be  
2 dangerous and shall, if possible, interview the owner and require a sworn affidavit from any  
3 person, ~~including any~~ animal control officer, or enforcement officer, desiring to have a dog  
4 classified as dangerous. In the event that any animal control officer has sufficient cause to  
5 believe that a dog is dangerous and that the owner is unable or unwilling to humanely, safely  
6 and securely confine the dog, the officer may impound the dog pending the investigation if  
7 deemed necessary to protect the public. The owner shall be responsible for payment of all  
8 boarding costs and other fees required for the division to care for the dog pending the outcome  
9 of the investigation and resolution of any hearing related to dangerous dog classification. An  
10 owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a  
11 violation of this Ordinance. At the discretion of the division, a ~~Any animal~~ dog that is the  
12 subject of a dangerous dog investigation, ~~that is not impounded by the division, shall~~ may be  
13 humanely and safely confined at a licensed facility approved by the division or at the residence  
14 of the owner if the division is given adequate assurance by the owner that the dog can be  
15 humanely, safely, and securely confined pending the investigation without posing a danger to  
16 the public. If the dog remains with the owner pending the outcome of the investigation and  
17 resolution of any hearings related to the dangerous dog classification, the dog shall be at all  
18 times maintained in a securely fenced or enclosed area to prevent the dog from escaping or  
19 coming into contact with any person or domestic animal other than a person or domestic animal  
20 in the immediate household of the owner. ~~pending the outcome of the investigation and~~  
21 ~~resolution of any hearings related to the dangerous dog classification.~~ No dog that is the subject  
22 of a dangerous dog investigation may be relocated or ownership transferred pending the  
23 outcome of an investigation or any hearings related to the determination of a dangerous dog  
24 classification. The owner shall provide the division with ~~The~~ the address of where the animal dog  
25 will be maintained pending an investigation and any related hearings. ~~resides shall be provided~~  
26 ~~to the division. In the event that a dog is to be destroyed, the dog shall not be relocated or~~  
27 ~~ownership transferred.~~

28           (2) A dog shall not be declared dangerous if the threat, injury or damage was sustained  
29 by a person who, at the time, was unlawfully on the property or, while lawfully on the property,  
30 was tormenting, abusing, or assaulting the dog or its owner or a person in the immediate

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1 household of the owner. a family member. No dog may be declared dangerous if the dog was  
2 protecting or defending a human being within the immediate vicinity of the dog from an  
3 unjustified attack or assault.

4 (3) A dog that is moved into Palm Beach County and ~~which~~ that has been involved in  
5 known previous animal-to-human bites or has been equivalently classified as dangerous in its  
6 past jurisdiction(s), shall be subject to investigation and classification by the division. All  
7 information, past history and reports from other agencies, organizations or persons may be used  
8 to determine the appropriate classification.

9 (4) After its investigation, the division shall make an initial determination as to  
10 whether there is sufficient cause to classify the dog as dangerous. The division shall provide  
11 written notification of sufficient cause finding, to the owner, by registered mail, certified hand  
12 delivery (signed receipt) or service of process. The owner shall be afforded an opportunity for a  
13 hearing before a special master prior to a final determination of the classification. If the owner  
14 decides to appeal the initial determination, the owner shall file a written request with the  
15 division for a hearing before the special master within seven (7) calendar days from the date of  
16 receipt of the notification of the sufficient cause finding and if requested, the hearing shall be  
17 held as soon as possible, no sooner than five (5) calendar days and not more than twenty-one  
18 (21) calendar days after receipt of the request from the owner. Said written request must be  
19 accompanied by the appropriate filing fee and any applicable fees for the care and boarding of  
20 said ~~animal~~ dog (due through the fifth day following the date of the request for hearing), as well  
21 as the cost of the investigation. The filing fee and any other applicable fees shall be established  
22 by the board by resolution and ~~is~~ are nonrefundable. The division shall provide notice of the  
23 hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or certified hand  
24 delivery. If the owner after seven (7) calendar days from the delivery of the "notice of intent to  
25 classify/sufficient cause notice," has not filed a written request for a hearing, the process will  
26 proceed and the dog shall be classified as dangerous.

27 (5) Once a hearing date is set, failure to appear before the special master may, at the  
28 special master's discretion, result in the dismissal of the hearing with prejudice. In such  
29 instances, the process will proceed and the dog shall be classified as dangerous.

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1 (6) Once a dog is classified as dangerous, the division shall provide written  
2 notification to the owner by registered mail, certified hand delivery (signed receipt) or service  
3 of process. The owner may then file a written request for a hearing in the county court to appeal  
4 the classification within ten (10) business days after receipt of a written determination of  
5 dangerous dog classification. ~~In such instances,~~ If the division allows the owner to maintain  
6 possession of the dog during the appeal, the owner must confine the dog in a securely fenced or  
7 enclosed area to prevent the dog animal from escaping or coming in contact with any human  
8 person or domestic animal other than a person or domestic animal in the immediate household  
9 ~~family~~ of the owner, pending a resolution of the appeal.

10 (b) *Dangerous dog mandates and responsibilities.* Within fourteen (14) days after a  
11 dog has been classified as dangerous or a dangerous dog classification is upheld by the county  
12 court on appeal, prior to release of the dog, the owner of the dog shall obtain a certificate of  
13 registration for the dog from the division, and the certificate shall be renewed annually. The  
14 registration fee shall be established by the board by resolution. The division shall issue such  
15 certificates of registration, and renewals thereof, only to persons who are at least eighteen (18)  
16 years of age and who present to the division sufficient evidence of compliance with the  
17 mandates and acknowledgment of responsibilities set forth below:

18 (1) *Mandates for owner.* An owner of a dangerous dog shall comply with all of the  
19 following:

20 a. Provide the division with a certificate of rabies vaccination.

21 b. A special dangerous dog tag supplied by the division shall be purchased annually  
22 and affixed to the dog's collar to be worn at all times. The fee shall be established by the board  
23 by resolution.

24 ~~e. A number shall be assigned to each dog that has been classified as dangerous. Such~~  
25 ~~number shall be tattooed, at the owner's sole expense, upon such dog by a licensed veterinarian~~  
26 ~~or person trained as a tattooist and authorized as such by any state, city or town. The number~~  
27 ~~shall be tattooed on the dog's inside right thigh or right ear. At the discretion of the division,~~  
28 ~~any dangerous dog already tattooed differently from that required by this section, need not be~~  
29 ~~retattooed if the existing tattoo is legible and can properly identify that dog.~~

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1        ~~cd.~~ The dog shall ~~also~~ be implanted with an approved electronic animal identification  
2 device (EAID) at the owner's sole expense.

3        de. The owner of a dangerous dog shall provide the division with two (2) color  
4 photographs of the dog, (front view and side view) that clearly identifies the classified dog.  
5 Each photograph shall be at least three (3) inches by three (3) inches.

6        ef. A dangerous dog must be spayed/neutered unless a licensed veterinarian has  
7 examined the ~~animal~~ dog and certified in writing, that at such time spaying/neutering the  
8 classified dog would endanger its health because of infirmity, disability, illness or other  
9 medical consideration. However, the ~~animal~~ dog will be spayed/neutered as soon as its health  
10 permits. If there is a disagreement concerning the health status for sterilizing a dangerous dog,  
11 the division may have the animal care and control staff/contract veterinarian examine the dog to  
12 determine its eligibility for sterilization. If the disagreement cannot be resolved, the division  
13 and the owner shall agree on a third veterinarian to examine the animal for sterilization  
14 eligibility. The cost of the third veterinarian shall be split evenly between the division and the  
15 owner. The opinion of the third veterinarian shall govern.

16        (2) *Responsibilities for owner.*

17        a. The owner shall immediately notify the division when a dangerous dog:

- 18                1. Is loose, unconfined or lost/stolen;  
19                2. Has bitten a human being or attacked another domestic animal;  
20                3. Is sold, given away, or dies; or  
21                4. Is moved to another address.

22        b. Prior to a dangerous dog being sold or given away, the owner shall provide the  
23 name, address and phone number of the new owner to the division. The new owner shall  
24 execute a document to be supplied by the division, acknowledging that the owner is aware of  
25 the dangerous dog classification, and that the owner shall comply with the requirements of this  
26 section herein. The new owner must comply with all of the requirements of this chapter. If the  
27 animal is moved out of the county to another jurisdiction within the state, the owner is required  
28 to abide by Florida Statutes, Chapter 767. The animal control authority at the new location  
29 must be notified by the owner of a dog classified as dangerous, that the dog is in its jurisdiction.

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1 c. While on the owner's property, a dangerous dog must be securely confined indoors  
2 or securely confined outdoors in an enclosed and locked structure, suitable to prevent the entry  
3 of any person other than adult members of the immediate household and constructed to prevent  
4 the ~~animal~~ dog from escaping. The structure must have minimum dimensions of four (4) feet by  
5 ten (10) feet. Such structure shall have secure sides and a secure top and bottom to prevent the  
6 dog from escaping over, under or through the structure. The enclosure shall provide a humane  
7 existence for the dog and protection from the elements.

8 d. When being transported, ~~such dogs~~ a dangerous dog must wear a muzzle and be  
9 safely and securely restrained within a vehicle.

10 e. The owner shall prominently display a sign to be provided by the division at the  
11 owner's expense, on his/her premises at all entry points warning children and adults that there is  
12 a dangerous dog on the property. The fee for this sign shall be established by the board by  
13 resolution.

14 f. A dangerous dog shall at all times wear a muzzle when it is not securely confined  
15 indoors or securely confined outdoors in an enclosed and locked structure on the owner's  
16 property. A dangerous dog may be off the owner's premises or out of its enclosure if it is  
17 muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and  
18 under the control of a competent person. The muzzle must be made in a manner that will not  
19 cause injury to the dog or interfere with its vision or respiration but must prevent it from biting  
20 any person or domestic animal.

21 g. A dangerous dog shall not be used as a guard dog as defined in this chapter.

22 h. Dogs that have been classified as dangerous shall not be used for hunting purposes.

23 i. Dogs that have been classified as dangerous shall not be brought to a dog park or  
24 public park or public beach that allows dogs.

25 k. When any person or domestic animal other than the owner or a person or domestic  
26 animal in the immediate household of the owner visits the premises where the dangerous dog is  
27 maintained, the owner shall secure the dangerous dog in an enclosed and locked structure to  
28 prevent such person or domestic animal from coming into contact with the dangerous dog.

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1           1. Dogs that have been classified as dangerous shall not be brought to any commercial  
2 establishment other than a veterinary office or other facility where the dangerous dog is being  
3 treated.

4       The division shall have the authority to make whatever inspections are deemed necessary to  
5 ensure that the provisions cited herein are complied with.

6       An owner of a dangerous dog shall have the option to have said dog humanely euthanized at  
7 his/her sole expense by the division or licensed veterinarian if the owner is unable to comply  
8 with the requirements cited herein.

9           (3) ~~Violations of mandate.~~

10          a. The division is responsible for investigating alleged violations of paragraph (2)  
11 herein after a dog is classified as dangerous. A citation may be issued to the owner of any  
12 dangerous dog alleged to be in violation of paragraph (2). The investigating officer may issue  
13 such citation upon the receipt of one (1) sworn affidavit of complaint. This affidavit shall  
14 specify the address or location of the alleged violation, the nature, time and date(s) of the act,  
15 the name and address of the owner, if known, and a description of the dog animal. In the event  
16 that a third or subsequent citation is issued to the owner for violation of paragraph (2), the  
17 owner shall be required to appear in court.

18          b. An animal care and control officer may impound a dangerous dog if the owner fails  
19 to comply with the dangerous dog mandates and responsibilities cited herein. A dangerous dog  
20 impounded under this section may be redeemed by the owner upon the owner's compliance  
21 with the dangerous dog mandates and responsibilities and payment of any boarding fees,  
22 impound fees, or other applicable fees established by the board by resolution. If the owner  
23 does not comply with the dangerous dog mandates and responsibilities and redeem the  
24 dangerous dog within fourteen (14) days of the date the dog was impounded, the dog shall be  
25 humanely euthanized.

26          (c) *Vicious dog.*

27          (1) *Upgrading dangerous dog to vicious dog.* If a dog that has previously been  
28 declared dangerous attacks or bites a person or a domestic animal, when unprovoked, ~~without~~  
29 ~~provocation,~~ the dangerous dog shall be immediately confiscated by the division, placed in  
30 quarantine, if necessary, for the proper length of time or impounded and held ten (10) business

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1 days after the owner is given written notification by certified mail, certified hand delivery  
2 (signed receipt) or service of process. The division shall make an initial determination as to  
3 whether there is sufficient cause to upgrade the dangerous classification to vicious.

4 (2) *Classifying a dog as vicious that has not been previously declared dangerous.* If a  
5 dog that has not been declared dangerous attacks and causes severe injury to or death of any  
6 human, the dog shall be immediately confiscated by the division, placed in quarantine, if  
7 necessary, for the proper length of time or held for ten (10) business days after the owner is  
8 given written notification by certified mail, certified hand delivery (signed receipt) or service of  
9 process. The division shall make an initial determination as to whether there is sufficient cause  
10 to classify the dog as vicious. A dog that has not been previously declared dangerous shall not  
11 be declared vicious if the severe injury or death was sustained by a person who, at the time, was  
12 unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or  
13 assaulting the dog, the owner, or a person in the immediate household of the owner.

14 (3) *Vicious dog classification process.*

15 a. The division shall investigate any incident involving any dog that may be  
16 vicious and shall, if possible, interview the owner and require a sworn affidavit  
17 from any person, animal control officer, or enforcement officer desiring to have  
18 a dog classified as vicious. The division shall provide written notification of  
19 sufficient cause finding, to the owner, by registered mail, certified hand delivery  
20 (signed receipt) or service of process. The ten (10) business ~~ten-day~~ time period  
21 from date of notification, shall allow the owner to file a written request for a  
22 hearing before a special master prior to a final determination of the ~~upgraded~~  
23 vicious classification. The hearing shall be held no sooner than five (5) calendar  
24 days and not more than twenty-one (21) calendar days after receipt of the  
25 request from the owner. The appropriate filing fee, any applicable fees for the  
26 care and boarding of said dog animal (due through the fifth day following the  
27 date of the request for hearing), and the cost of the investigation must  
28 accompany the owner's written request. None of these fees are refundable. The  
29 ~~filing fees~~ shall be established by the board by resolution. The division shall  
30 provide notice of the hearing to the owner by U.S. mail, electronic mail,

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1 facsimile, certified mail or certified hand delivery. If the owner fails to appeal  
2 within the ten (10) business ~~ten-day~~ period, the dog animal shall be humanely  
3 euthanized.

4 b. Once a hearing date is set, failure to appear before the special master may, at  
5 the special master's discretion, result in the dismissal of the hearing with  
6 prejudice. In such instances, the process will proceed and the dog shall be  
7 classified as vicious. The owner shall be responsible for payment of all boarding  
8 costs and other fees as may be required to humanely and safely keep the dog  
9 ~~animal~~ during any appeal procedure. ~~In the event that a dog is to be destroyed,~~  
10 ~~the dog shall not be relocated or the ownership transferred.~~

11 ~~If a dog attacks or bites a person who is engaged in or attempting to engage in a~~  
12 ~~criminal activity at the time of the attack, the owner will be exempt from this~~  
13 ~~section.~~

14 (4) *Notice of appeal.* If within the ten (10) business day period after written  
15 notification of the special master's decision is received, the owner files a written appeal with the  
16 county court, the dog must be held by the division and may not be destroyed while the appeal is  
17 pending.

18 ~~(d) *Third violation for dangerous/vicious dog.* In the event that a third citation is~~  
19 ~~issued to an owner for violation of the dangerous/vicious dog requirements, the owner of the~~  
20 ~~dangerous/vicious dog shall be required to appear in court. In addition to applicable fines and~~  
21 ~~court costs, the judge may order that the owner turn the dangerous/vicious dog over to the~~  
22 ~~division for impoundment, euthanasia, etc. Failure of the owner to turn the dog over to the~~  
23 ~~division shall constitute contempt.~~

24 ~~If impoundment is ordered, the owner will be responsible for costs incurred by the division in~~  
25 ~~boarding and caring for said dog animal. All costs must be paid in full prior to release of said~~  
26 ~~animal. Failure of the owner to comply with the judge's order within ten (10) days shall result~~  
27 ~~in euthanasia of the animal.~~

28 \* \* \*



1 **Section 3. REPEAL OF LAWS IN CONFLICT.**

2 All local laws and ordinances in conflict with any provisions of this Ordinance are  
3 hereby repealed to the extent of such conflict.  
4

5 **Section 4. SAVINGS CLAUSE.**

6 Notwithstanding anything herein to the contrary, all provisions of Palm Beach County  
7 Ordinance No. 98-22, as amended by Ordinances 2003-29, 2005-44, 2008-004 and all licenses,  
8 permits, enforcement orders, and ongoing enforcement actions issued thereunder are  
9 specifically preserved and remain in full force and effect.  
10

11 **Section 5. SEVERABILITY.**

12 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
13 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,  
14 such holding shall not affect the remainder of this Ordinance.  
15

16 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

17 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
18 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish  
19 such, and the word "ordinance" may be changed to "section," "article," or other appropriate  
20 word.  
21

22 **Section 7. ENFORCEMENT.**

23 This Ordinance is enforceable by all means provided by law. Additionally, the County  
24 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm  
25 Beach County.  
26

27 **Section 8. PENALTY.**

28 Any violation of any portion of this Ordinance shall be punishable as provided by law.  
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**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

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